

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN A. TOLLIVER,

Plaintiff,

vs.

**Case No.: 2:16-cv-1020
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

WARDEN NOBEL, et al.,

Defendants.

ORDER

On June 21, 2019, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order be denied. (*See Report and Recommendation*, Doc. 61). The Magistrate Judge also directed Defendants to respond to Plaintiff's Offer of Settlement and Defendants have so complied and filed a Notice of Compliance on the Court's docket. (*See Doc. 66*). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (Doc. 65). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff continues to make the same arguments he raised in his Motion for Preliminary Injunction and Temporary Restraining Order, that were carefully considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff has failed to establish any basis for reconsideration of the Magistrate Judge's conclusions, but merely disagrees with her conclusions. Plaintiff suggests that the Magistrate Judge may have misunderstood his arguments

with respect to the failure of the prison to transfer both of his legal boxes, however, the Magistrate Judge did address this and at this time, Plaintiff has failed to show intentional conduct by Defendants to justify injunctive relief. Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, ECF No. 61, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order is **DENIED**.

The Clerk shall remove Documents 34, 61 and 65 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT